

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
-against-  
  
MARK GOLDBERG,  
  
Defendant.

12 Cr. 864 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

Before the Court is Mr. Goldberg's new pro se motion for early termination of supervised release pursuant to 18 U.S.C. § 3583(e)(1). (Letter from Mark Goldberg ("Mot."), dated Jan. 4, 2021 [dkt. no. 119].) The Court denied Mr. Goldberg's prior request for early termination, finding that "Mr. Goldberg ha[d] failed to identify any new or unforeseen circumstances which would warrant an early termination of his term of supervised release" and that "mere compliance with the terms of supervised release do not amount to extraordinary circumstances that would justify termination."<sup>1</sup> (Order, dated Aug. 24, 2020 [dkt. no. 118], at 2.)

In support of his new motion, Mr. Goldberg recites that his ex-wife passed away during his incarceration and that

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<sup>1</sup> The Court notes that, unlike at the time of his prior application, Mr. Goldberg has now served at least one year of supervised release. See 18 U.S.C. § 3583(e)(1) (stating that the Court may "terminate a term of supervised release . . . at any time after the expiration of one year of supervised release . . . .").

[T]he New York City Administration For Children Service (ACS) sta[r]ted a proceeding to terminate his Parental Rights because of his child's mother['s] passing and his continued incarceration. The Federal Bureau of Prisons (BOP) denied Defendant access to the Court and give [sic] him Due-Process in fighting for his legal Parental Rights to his son. Because the (BOP) disregarded a Court Order to give Goldberg access to the Court to participate in Termination of Parental Rights (TPR) [sic]. Because of the [BOP's] Staff dumpiness, Goldberg's Parental Rights [were] terminated and his Son was placed for Adoption. The Defendant has filed a Civil Rights Claim against the the [sic] Federal Government for violating his Constitutional Rights to the United States of America. Goldberg is seeking for the Adoption to be reversed and for his Parental Rights to be restored. Since Goldberg has filed his Civil Rights Claim, there has been an alarm of the Federal Government retaliating again [sic] him puts [sic] this situation to extraordinary circumstances, thus the Defendant's request for Early Termination of supervised Release should be Granted.

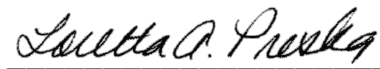
(Mot. at 1-2.)

Sympathetic as Mr. Goldberg's situation might be, he has not provided the Court with any "new or unforeseen circumstances," including "exceptionally good behavior," that would warrant early termination. See 18 U.S.C. § 3583(e)(1); United States v. Lussier, 104 F.3d 32, 35-36 (2d Cir. 1997); United States v. Harris, 689 F. Supp. 2d 694 (S.D.N.Y. 2010). Accordingly, Mr. Goldberg's motion for early termination of supervision (dkt. no. 119) is denied.

The Clerk of the Court shall mail a copy of this order to Mr. Goldberg.

**SO ORDERED.**

Dated: New York, New York  
January 14, 2021

Handwritten signature of Loretta A. Preska in cursive script.

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LORETTA A. PRESKA  
Senior United States District Judge